

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

Document #

**6**

Terio

U.S.C.A. #

07cv4428(L); 07cv4429(C)

-v-

U.S.D.C. #

07cv4431(C); 07cv4432(C)

Nicholson

JUDGE:

K M W

DATE:

July 2, 2007

**INDEX TO THE RECORD ON APPEAL  
For Consolidated Cases**

**PREPARED BY (NAME):** THOMAS R. PISARCZYK  
**FIRM:** U.S. DISTRICT COURT - SOUTHERN DISTRICT OF NEW YORK  
**ADDRESS:** 500 PEARL STREET, ROOM 370  
NEW YORK, NEW YORK 10007  
**PHONE NO.:** (212) 805 - 0636

**DISTRICT COURT DOCKET ENTRIES**

**DOCUMENT DESCRIPTION**

**DOC. #**

CLERK'S CERTIFICATE

SEE ATTACHED LIST OF NUMBERED DOCUMENTS

**(XXX)** Original Record**( )** Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A.  
for the Second Circuit on the 2<sup>ND</sup> Day of July, 2007.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

<p>-----</p> <p style="text-align: center;">Terio</p> <p style="text-align: center;">-v-</p> <p style="text-align: center;">Nicholson</p> <p>-----</p>	<p>U.S.C.A. # _____</p> <p style="text-align: right;">07cv4428(L); 07cv4429(C)</p> <p>U.S.D.C. # _____</p> <p style="text-align: right;">07cv4431(C); 07cv4432(C)</p> <p>JUDGE: _____ K M W</p> <p>DATE: _____ July 2, 2007</p>
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**Clerk's Certificate**

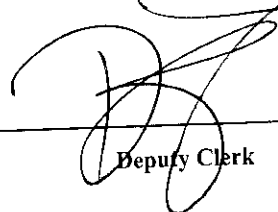
I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 5, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

<u>Date Filed</u>	<u>Document Description</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 2<sup>ND</sup> Day of July In this year of our Lord, Two Thousand and Seven, and the Independence of the United States this 231<sup>ST</sup> year.

**J. Michael McMahon, Clerk**

By \_\_\_\_\_

  
Deputy Clerk

APPEAL, CLOSED, LEAD

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:07-cv-04428-KMW**  
**Internal Use Only**

Terio v. Nicholson et al  
Assigned to: Judge Kimba M. Wood  
Demand: \$18,000  
Member case: (View Member Case)  
Cause: 28:1331 Fed. Question: Other

Date Filed: 05/30/2007  
Date Terminated: 05/30/2007  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

Date Filed	#	Docket Text
05/30/2007	<u>1</u>	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Vincent R. Terio.(jeh) (Entered: 06/04/2007)
05/30/2007	<u>2</u>	COMPLAINT against R. James Nicholson. Document filed by Vincent R. Terio.(jeh) (Entered: 06/04/2007)
05/30/2007		Magistrate Judge James C. Francis is so designated. (jeh) (Entered: 06/04/2007)
05/30/2007	<u>3</u>	ORDER OF DISMISSAL; As the three complaints and one petition for a writ of mandamus all challenge the same conduct, I consolidate the four actions. The instant claims are barred by the doctrine of res judicata. Accordingly, the four actions are dismissed because they fail to state claim on which relief may be granted. Plaintiff is hereby warned that should be continue to file frivolous actions, he may be barred from filing actions in the future without leave from this Court. 28 U.S.C. 1915(e)(2) (B) (ii). We certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from this order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 05/30/2007) (jeh) (Entered: 06/04/2007)
05/30/2007	<u>4</u>	JUDGMENT. Ordered, Adjudged and Decreed: That the four consolidated actions be and is hereby dismissed. 28 U.S.C. 1915(e)(2). I certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from the Court's order will not be taken in good faith. (Entered: 06/04/2007)
06/25/2007	<u>5</u>	NOTICE OF APPEAL from (4 in 1:07-cv-04428-KMW) Judgment - Sua Sponte (Complaint); (4 in 1:07-cv-04431-KMW) Judgment - Sua Sponte (Complaint); (4 in 1:07-cv-04429-KMW) Judgment - Sua Sponte (Complaint); (4 in 1:07-cv-04432-KMW) Judgment - Sua Sponte (Complaint). Document filed by Vincent R. Terio, Vincent R. Terio. Filed In Associated Cases: 1:07-cv-04428-KMW, 1:07-cv-04429-KMW, 1:07-cv-04431-KMW, 1:07-cv-04432-KMW(tp) (Entered: 07/02/2007)
06/25/2007		Appeal Remark as to Notice of Appeal, filed by Vincent R. Terio. \$455.00 APPEAL FEE DUE. IFP REVOKED 5/30/07. Filed In Associated Cases: 1:07-cv-04428-KMW, 1:07-cv-04429-KMW, 1:07-cv-04431-KMW, 1:07-cv-04432-KMW(tp) (Entered: 07/02/2007)
07/02/2007		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: Notice of Appeal. Filed In Associated Cases: 1:07-cv-04428-KMW, 1:07-cv-04429-KMW, 1:07-cv-04431-KMW, 1:07-cv-04432-KMW(tp) (Entered: 07/02/2007)
07/02/2007		Transmission of Notice of Appeal to the District Judge re: Notice of Appeal. Filed In Associated Cases: 1:07-cv-04428-KMW, 1:07-cv-04429-KMW, 1:07-cv-04431-KMW, 1:07-cv-04432-KMW(tp) (Entered: 07/02/2007)

APPEAL, CLOSED, MEMBER

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:07-cv-04429-KMW**  
**Internal Use Only**

Terio v. Nicholson et al  
Assigned to: Judge Kimba M. Wood  
Lead case: 1:07-cv-04428-KMW  
Member case: [\(View Member Case\)](#)  
Cause: 28:1331 Fed. Question: Other

Date Filed: 05/30/2007  
Date Terminated: 05/30/2007  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

Date Filed	#	Docket Text
05/30/2007	<u>1</u>	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Vincent R. Terio.(jeh) (Entered: 06/04/2007)
05/30/2007	<u>2</u>	COMPLAINT against R. James Nicholson, James P. Terry. Document filed by Vincent R. Terio.(jeh) (Entered: 06/04/2007)
05/30/2007		Magistrate Judge James C. Francis is so designated. (jeh) (Entered: 06/04/2007)
05/30/2007	<u>3</u>	(DUPLICATE ORIGINAL) ORDER OF DISMISSAL; As the three complaints and one petition for a writ of mandamus all challenge the same conduct, I consolidate the four actions. The instant claims are barred by the doctrine of res judicata. Accordingly, the four actions are dismissed because they fail to state claim on which relief may be granted. Plaintiff is hereby warned that should be continue to file frivolous actions, he may be barred from filing actions in the future without leave from this Court. 28 U.S.C. 1915(e)(2) (B) (ii). We certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from this order would not be taken in good faith. Accordingly, the complaint, filed in forma pauperis under 28 U.S.C. 1915(a)(1), is dismissed pursuant to 28 U.S.C. 1915(e)(2). We certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from this order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 05/30/2007) (jeh) (Entered: 06/04/2007)
05/30/2007		CONSOLIDATED MEMBER CASE: Create association to 1:07-cv-04428-KMW. (jeh) (Entered: 06/04/2007)
05/30/2007	<u>4</u>	JUDGMENT. Ordered, Adjudged and Decreed: That the four consolidated actions be and is hereby dismissed. 28 U.S.C. 1915(e)(2). I certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from the Court's order will not be taken in good faith. (Signed by Judge Kimba M. Wood on 05/30/2007) (jeh) (Entered: 06/04/2007)
06/25/2007		NOTICE OF APPEAL from (4 in 1:07-cv-04428-KMW) Judgment - Sua Sponte (Complaint); (4 in 1:07-cv-04431-KMW) Judgment - Sua Sponte (Complaint); (4 in 1:07-cv-04429-KMW) Judgment - Sua Sponte (Complaint); (4 in 1:07-cv-04432-KMW) Judgment - Sua Sponte (Complaint). Document filed by Vincent R. Terio, Vincent R. Terio. Filed In Associated Cases: 1:07-cv-04428-KMW, 1:07-cv-04429-KMW, 1:07-cv-04431-KMW, 1:07-cv-04432-KMW(tp) Modified on 7/2/2007 (tp). (Entered: 07/02/2007)
06/25/2007		Appeal Remark as to Notice of Appeal, filed by Vincent R. Terio. \$455.00 APPEAL FEE DUE. IFP REVOKED 5/30/07. Filed In Associated Cases: 1:07-cv-04428-KMW, 1:07-cv-04429-KMW, 1:07-cv-04431-KMW, 1:07-cv-04432-KMW(tp) (Entered: 07/02/2007)
07/02/2007		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: Notice of Appeal. Filed In Associated Cases: 1:07-cv-04428-KMW, 1:07-cv-04429-KMW, 1:07-cv-04431-KMW, 1:07-cv-04432-KMW(tp) (Entered: 07/02/2007)
07/02/2007		Transmission of Notice of Appeal to the District Judge re: Notice of Appeal. Filed In Associated Cases: 1:07-cv-04428-KMW, 1:07-cv-04429-KMW, 1:07-cv-04431-KMW, 1:07-cv-04432-KMW(tp) (Entered: 07/02/2007)

APPEAL, CLOSED, MEMBER

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:07-cv-04431-KMW**  
**Internal Use Only**

Terio v. Terry  
Assigned to: Judge Kimba M. Wood  
Lead case: 1:07-cv-04428-KMW  
Member case: (View Member Case)  
Cause: 28:1361 Petition for Writ of Mandamus

Date Filed: 05/30/2007  
Date Terminated: 05/30/2007  
Jury Demand: None  
Nature of Suit: 540 Mandamus & Other  
Jurisdiction: Federal Question

Date Filed	#	Docket Text
05/30/2007	(1)	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Vincent R. Terio.(jeh) (Entered: 06/04/2007)
05/30/2007	(2)	PETITION IN THE NATURE OF MANDAMUS against James P. Terry.Document filed by Vincent R. Terio.(jeh) (Entered: 06/04/2007)
05/30/2007		Magistrate Judge Michael H. Dolinger is so designated. (jeh) (Entered: 06/04/2007)
05/30/2007		CONSOLIDATED MEMBER CASE: Create association to 1:07-cv-04428-KMW.. (jeh) (Entered: 06/04/2007)
05/30/2007	(3)	ORDER OF DISMISSAL; As the three complaints and one petition for a writ of mandamus all challenge the same conduct, I consolidate the four actions. The instant claims are barred by the doctrine of res judicata. Accordingly, the four actions are dismissed because they fail to state claim on which relief may be granted. Plaintiff is hereby warned that should be continue to file frivolous actions, he may be barred from filing actions in the future without leave from this Court. 28 U.S.C. 1915(e)(2) (B) (ii). We certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from this order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 05/30/2007) (jeh) (Entered: 06/04/2007)
05/30/2007	(4)	JUDGMENT. Ordered, Adjudged and Decreed: That the four consolidated actions be and is hereby dismissed. 28 U.S.C. 1915(e)(2). I certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from the Court's order will not be taken in good faith. (Signed by Judge Kimba M. Wood on 05/30/2007) (jeh) (Entered: 06/04/2007)
06/25/2007		NOTICE OF APPEAL from (4 in 1:07-cv-04428-KMW) Judgment - Sua Sponte (Complaint); (4 in 1:07-cv-04431-KMW) Judgment - Sua Sponte (Complaint); (4 in 1:07-cv-04429-KMW) Judgment - Sua Sponte (Complaint); (4 in 1:07-cv-04432-KMW) Judgment - Sua Sponte (Complaint). Document filed by Vincent R. Terio, Vincent R. Terio. Filed In Associated Cases: 1:07-cv-04428-KMW, 1:07-cv-04429-KMW, 1:07-cv-04431-KMW, 1:07-cv-04432-KMW(tp) Modified on 7/2/2007 (tp). (Entered: 07/02/2007)
06/25/2007		Appeal Remark as to Notice of Appeal, filed by Vincent R. Terio. \$455.00 APPEAL FEE DUE. IFP REVOKED 5/30/07. Filed In Associated Cases: 1:07-cv-04428-KMW, 1:07-cv-04429-KMW, 1:07-cv-04431-KMW, 1:07-cv-04432-KMW(tp) (Entered: 07/02/2007)
07/02/2007		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: Notice of Appeal. Filed In Associated Cases: 1:07-cv-04428-KMW, 1:07-cv-04429-KMW, 1:07-cv-04431-KMW, 1:07-cv-04432-KMW(tp) (Entered: 07/02/2007)
07/02/2007		Transmission of Notice of Appeal to the District Judge re: Notice of Appeal. Filed In Associated Cases: 1:07-cv-04428-KMW, 1:07-cv-04429-KMW, 1:07-cv-04431-KMW, 1:07-cv-04432-KMW(tp) (Entered: 07/02/2007)

APPEAL, CLOSED, MEMBER

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:07-cv-04432-KMW**  
**Internal Use Only**

Terio v. Nicholson et al  
Assigned to: Judge Kimba M. Wood  
Demand: \$250,000  
Lead case: 1:07-cv-04428-KMW  
Member case: [\(View Member Case\)](#)  
Cause: 28:1331 Fed. Question: Other

Date Filed: 05/30/2007  
Date Terminated: 05/30/2007  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

Date Filed	#	Docket Text
05/30/2007	<a href="#">1</a>	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by Vincent R. Terio.(jeh) (Entered: 06/04/2007)
05/30/2007	<a href="#">2</a>	COMPLAINT against R. James Nicholson, James P. Terry. Document filed by Vincent R. Terio.(jeh) (Entered: 06/04/2007)
05/30/2007		Magistrate Judge Ronald L. Ellis is so designated. (jeh) (Entered: 06/04/2007)
05/30/2007		CONSOLIDATED MEMBER CASE: Create association to 1:07-cv-04428-KMW. (jeh) (Entered: 06/04/2007)
05/30/2007	<a href="#">3</a>	ORDER OF DISMISSAL; As the three complaints and one petition for a writ of mandamus all challenge the same conduct, I consolidate the four actions. The instant claims are barred by the doctrine of res judicata. Accordingly, the four actions are dismissed because they fail to state claim on which relief may be granted. Plaintiff is hereby warned that should he continue to file frivolous actions, he may be barred from filing actions in the future without leave from this Court. 28 U.S.C. 1915(e)(2) (B) (ii). We certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from this order would not be taken in good faith (Signed by Judge Kimba M. Wood on 05/30/2007) (jeh) (Entered: 06/04/2007)
05/30/2007	<a href="#">4</a>	JUDGMENT. Ordered, Adjudged and Decreed: That the four consolidated actions be and is hereby dismissed. 28 U.S.C. 1915(e)(2). I certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from the Court's order will not be taken in good faith. (Signed by Judge Kimba M. Wood on 05/30/2007) (jeh) (Entered: 06/04/2007)
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